

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) PTS-33226										
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Application Number 09/835,237</td><td style="width: 50%; padding: 5px;">Filed April 13, 2001</td></tr><tr><td colspan="2" style="padding: 5px;">First Named Inventor Robert Van Kommer</td></tr><tr><td style="padding: 5px;">Art Unit 2626</td><td style="padding: 5px;">Examiner Huyen X Vo</td></tr></table>		Application Number 09/835,237	Filed April 13, 2001	First Named Inventor Robert Van Kommer		Art Unit 2626	Examiner Huyen X Vo				
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Art Unit 2626	Examiner Huyen X Vo											
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p style="margin-top: 20px;">This request is being filed with a notice of appeal.</p> <p style="margin-top: 20px;">The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p style="margin-top: 20px;">I am the</p> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top;">/ Robert F. Bodi /</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top;">Signature Robert F. Bodi</td></tr><tr><td style="vertical-align: top;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number 48540</td><td style="vertical-align: top;">Typed or printed name 216/579-1700</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top;">Telephone number June 29, 2009</td></tr><tr><td></td><td style="vertical-align: top;">Date</td></tr></table> <p style="margin-top: 10px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			<input type="checkbox"/> applicant/inventor.	/ Robert F. Bodi /	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature Robert F. Bodi	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 48540	Typed or printed name 216/579-1700	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Telephone number June 29, 2009		Date
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<input checked="" type="checkbox"/> *Total of 1 forms are submitted.												

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/835,237
Applicant : Robert Van Kommer
Filed : April 13, 2001

Conf No. : 6191
TC/AU : 2655
Examiner : Huyen X Vo

Customer No.: 00116
Docket No. : P&TS-33226

Commissioner for Patents
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REVIEW REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-5, 7-28, and 30-50 and 52-66 remain in this application. Claims 6, 29, and 51 have been canceled.

Claims 1-5, 7-12, 15, 18-24, 26-28, 30-39, 42-50, 52, and 53-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Saylor *et al.* (US 6,792,086) in view of Kuhn *et al.* (U.S. 6,341,264). The remaining claims are similarly rejected in view of additional references. For the following reasons, the rejections are respectfully traversed.

As discussed at the personal interview conducted on July 31, 2008, and in the last filed response, the claims were amended to recite that the user speech models that are further adapted by ordering from one provider, such as by interacting with that provider's interactive voice response application provided to, and executed by, the system, can also be utilized by *other* interactive voice response applications and/or by ordering from *other* providers. For example, claim 1 recites that "said user-specific speech model is further adapted to the specific user during

said ordering of said product and/or services from any one of said service providers such that said further adapted model is then utilized for future ordering of products and/or services from any other of said service providers”. Claim 30 recites similar features. Claim 50 recites that “said common speech models are adapted during each dialogue between said user calling the system and any of said interactive voice response applications of said one of said service providers during said ordering, such that said adapted speech models can be utilized by the other interactive voice response applications for the user ordering products and/or services from the other service providers”. Claims 52, 53, 55, 56, 57, and 60-64 all recite similar features of sharing adapted models among various applications and/or providers.

Thus, the system specified by these claims effectively shares the user models amongst various *different* providers, and the models are adapted by using the system for any of the providers such that other providers get the benefit of the adapted models. This means that a pool of providers using the models all help to improve the same set of models, allowing far more improvement to the models than can occur if any single provider individually had to adapt the models themselves. As has been pointed out to the Examiner, none of the prior art teach such a feature, and thus these claims are patentable over the prior art for at least this reason.

The Examiner has apparently cited Kuhn for such a teaching by merely identifying a number of items provided on various figures (without any reference to the description of those items, which do not support the Examiner’s assertions) but nowhere does Kuhn disclose that orders from one vendor can be used to update a model such that orders from another vendor, using the same model, would benefit from those improvements. Instead, the section cited by the Examiner, column 9, lines 29-67, merely generally discusses speaker adaptation, with no suggestion that models are shared among vendors, or that changes to a model through ordering with one vendor can benefit the model’s use by another vendor. Thus, Kuhn fails to anticipate any such benefits of actually sharing models among vendors, and thus the claims are patentable over the combination of references.

Further, as has been previously pointed out to the Examiner, the combination of Saylor with Kuhn to obtain the claimed features would not have been obvious to one skilled in the art. Replacing each voice-to-text system 62 in the plurality of Vpage servers 22 of Saylor by the speaker-dependent systems of Kuhn would require that those Vpage servers 22 be able to

identify the speaker and retrieve the appropriate speech models. This would be extremely difficult to achieve in the Saylor system, because speaker identification is not performed in the Vpage servers 22, but in the VNAP 12 (i.e., in a different server). Neither reference suggests any means for transmitting speaker identities from the VNAP 12 to the Vpage servers 22. Such a modification would clearly change the principle of operation of the Saylor system (in a manner not disclosed by Kuhn), and thus the required modification is both not obvious, and not disclosed by the prior art, and thus is prohibited.

In addition, Saylor teaches away from the combination, because Saylor teaches the use of a plurality of Vpage servers, each having its own voice-to-text system 62, whereas Kuhn describes speech models used by a single application. Even if combined, this fails to teach the claimed common speech recognition model interacting with a *plurality* of applications. None of the other cited references overcome these shortcomings.

Furthermore, claims 61 and 62 and new claim 65 recite that the user-specific models are speech and **language** models, a feature not disclosed in *any* of the cited references, and thus are patentable for this reason as well. Claim 65 recites that the speech and language models are further adapted, which is not disclosed in any of the references, and thus this claim is patentable over the references for this reason as well.

Sharing speech and language models between different service providers is a very new concept, and not disclosed in any document cited by the Examiner. In fact, it was usually considered that because the models are highly personal, they should also be treated as confidential, and thus not be shared with any other party. Furthermore, while adaptation of the speech models to specific users may be known, adaptation of the *language* models is a new concept that has not been shown by the Examiner as being known, and in particular is not known in combination with the other features of the claims. Speech models and language models are two very different things. Speech models, for example, can define with HMMs the way different *phonemes* are uttered by various speakers. On the other hand, **language** models describe the *vocabulary* used by different speakers, and the *probability* of each word or expression to be used in a given context. Some speakers will, for example, ask "could you please send me a hamburger", while other will just say "hamburger!". User dependant *language* models can become very effective because they take this variability into account, thus leading to a useful

improvement in recognition technology that has not been shown by the Examiner as applied by the current claims.

Accordingly, automatic adaptation of the *language* models to each user, which is not disclosed in any of the cited documents, and certainly not an obvious step, is novel and non-obvious and thus these claims are patentable over the references.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. P&TS-33226.

Respectfully submitted,
PEARNE & GORDON, LLP

By: / Robert F. Bodi /
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June 29, 2009